

# Senate Journal

## First Regular Session of the Fifty-first Legislature of the State of Oklahoma

Fortieth Legislative Day, Thursday, April 12, 2007

The Senate was called to order by Senator Jolley.

Roll Call:

Present: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason, McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.—47.

Excused: Johnson (M).—1.

Senator Jolley declared a quorum present.

The prayer was offered by Reverend Harold Joe Grizzle, CrossPointe Church, Norman, the guest of Senator Sparks.

### REPORT OF ENGROSSED AND ENROLLED MEASURES

**HBs 1084, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103, 1117, 1118, 1119, 1120, 1121, 1123, 1124, 1125, 1126, 1127, 1128, 1131, 1132, 1133, 1134, 1135, 1136, 1137, 1138, 1143, 1144, 1145, 1146, 1147, 1148, 1149, 1150, 1151, 1152, 1153, 1154, 1157, 1158, 1159, 1160, 1161, 1162, 1163, 1164, 1165, 1166, 1167, 1168, 1169, 1170, 1171, 1172, 1173, 1174, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1182, 1183, 1185, 1186, 1187, 1188, 1189, 1190, 1191, 1192, 1193, 1194, 1195, 1196, 1197, 1198, 1199, 1200, 1201, 1202, 1203, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222, 1223, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1232, 1235, 1236, 1237, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1253, 1254, 1271, 1375, 1485, 1737, 1797 and 1928 and HJR 1039** were each correctly engrossed and, together with engrossed **SAs**, properly signed and ordered returned to the Honorable House.

**SBs 140** and **714** were each correctly enrolled and after fourth reading, properly signed and ordered transmitted to the Honorable House for signature of the Speaker.

**SRs 3, 12** and **23** were each correctly enrolled, properly signed and ordered transmitted to the Secretary of State.

### **GENERAL ORDER**

**HB 1739** by Adkins and Watson of the House and Bingman of the Senate was called up for consideration.

Senator Bingman moved that **HB 1739** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1739** was read for the third time at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Coffee, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--47.

Excused: Johnson (M).--1.

The bill passed.

**HB 1739** was referred for engrossment.

### **GENERAL ORDER**

**HB 1612** by Roan of the House and Barrington of the Senate was called up for consideration.

Senator Barrington asked that **HB 1612** be laid over temporarily, which was the order.

**HB 1612** remains on General Order.

**GENERAL ORDER**

**HB 1708** by Billy et al of the House and Bass et al of the Senate was called up for consideration.

Senator Bass moved that **HB 1708** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1708** was read for the third time at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Johnson (M).--2.

The bill and emergency passed.

**HB 1708** was referred for engrossment.

**MESSAGE FROM THE HOUSE  
HAS TO SENATE BILLS**

Advising passage of and returning the following engrossed bill as amended:

**SB 1038**

House amendment was read on the above-numbered bill.

**GENERAL ORDER**

**HB 1399** by Liebmann et al of the House and Branan of the Senate, considered on Page 1101, was called up for further consideration.

Senator Branan pressed his unanimous consent request to restore the title on the floor substitute to **HB 1399**, which was granted.

Senator Branan asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HB 1399**.

Senator Branan moved to amend the floor substitute to **HB 1399**, Page 3, Line 22 and Page 4, Line 17, by deleting after the first word “a” and before the word “punishable” the word “felony” and inserting in lieu thereof the word “misdemeanor”, and by amending the title to conform, which amendment was declared adopted.

Senator Branan moved that **HB 1399** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1399** was read for the third time at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Gumm, Ivester, Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sweeden, Sykes, Wilcoxson, Williamson and Wilson.--39.

Nay: Ballenger, Corn, Garrison, Johnson (C), Sparks and Wyrick.--6.

Excused: Coffee, Johnson (M) and Morgan.--3.

The bill and emergency passed.

**HB 1399** was referred for engrossment.

### **UNANIMOUS CONSENT REQUEST DIRECT TO CALENDAR**

Senator Sweeden asked unanimous consent to suspend Rule 6-4 and refer **SR 30** direct to the Calendar for consideration, which was the order.

### **GENERAL ORDER**

**SR 30** by Sweeden was called up for consideration.

All other members of the Senate asked to coauthor **SR 30**, which was the order.

**SR 30** was adopted upon motion of Senator Sweeden and referred for enrollment.

### **GENERAL ORDER**

**HB 1612** by Roan of the House and Barrington of the Senate was called up for further consideration.

Senator Barrington moved that **HB 1612** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1612** was read for the third time at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--44.

Nay: Johnson (C).--1.

Excused: Coffee, Johnson (M) and Morgan.--3.

The bill passed.

**HB 1612** was properly signed and ordered returned to the Honorable House.

### **MESSAGES FROM THE HOUSE**

Advising fourth reading of and transmitting for signature Enrolled **HBs 1065, 1066, 1067, 1068, 1069, 1070, 1071, 1072, 1346, 1374** and **1796**.

The above-numbered enrolled measures were, after fourth reading, properly signed and ordered returned to the Honorable House.

Advising passage of and returning the following Engrossed bill:

**SB 109** - coauthored by Reynolds of the House

The above-numbered measure was referred for enrollment.

### **GENERAL ORDER**

**HB 1412** by Joyner of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge asked that **HB 1412** be laid over for this legislative day, which was the order.

**HB 1412** remains on General Order.

### **GENERAL ORDER**

**HB 1497** by Sullivan of the House and Aldridge of the Senate was called up for consideration.

Senator Aldridge moved that **HB 1497** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1497** was read for the third time at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Johnson (M) and Morgan.--3.

The bill passed.

**HB 1497** was referred for engrossment.

**GENERAL ORDER**

**HB 1391** by Richardson of the House and Crutchfield and Gumm of the Senate was called up for consideration.

Senator Crutchfield moved that **HB 1391** be advanced, which motion was declared adopted.

**THIRD READING**

**HB 1391** was read for the third time at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Adelson, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Laster, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Rice, Riley, Schulz, Sparks, Sweeden, Wilcoxson, Williamson, Wilson and Wyrick.--38.

Nay: Aldridge, Brogdon, Ford, Lamb, Laughlin, Reynolds and Sykes.--7.

Excused: Coffee, Johnson (M) and Morgan.--3.

The bill and emergency passed.

**HB 1391** was referred for engrossment.

**GENERAL ORDER**

**HB 1510** by Ellis et al of the House and Rabon of the Senate was called up for consideration.

Senators Leftwich and Johnson (Constance) asked to coauthor **HB 1510**, which was the order.

Senator Rabon asked unanimous consent, which was granted, to suspend Senate Rule 13-4 as it pertains to **HB 1510**.

Senator Rabon moved to amend **HB 1510**, Page 1, by restoring the title, which amendment was declared adopted.

The above amendment restores **HB 1510** to the engrossed version of the bill.

Senator Rabon moved that **HB 1510** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1510** was read for the third time at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Johnson (M) and Morgan.--3.

The bill passed.

**HB 1510** was properly signed and ordered returned to the Honorable House.

### **GENERAL ORDER**

**HB 2152** by Armes and Jett of the House and Rabon and Anderson of the Senate was called up for consideration.

Senator Rabon moved that **HB 2152** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 2152** was read for the third time at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Johnson (M) and Morgan.--3.

The bill and emergency passed.



Pursuant to Rule 13-22, Senator Rabon served notice that the vote be reconsidered whereby **HB 2152** passed.

## **GENERAL ORDER**

**HB 1520** by Dorman of the House and Schulz of the Senate was called up for consideration.

Senator Barrington asked to coauthor **HB 1520**, which was the order.

Senator Barrington moved to amend **HB 1520**, Page 4, Line 20, by deleting Section 2 and by inserting in lieu thereof new Sections 2 through 6 to read as follows:

" SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 325.2 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created, to continue until September 1, 2008, the "Incident Command Site Task Force."

B. The Task Force shall consist of fifteen (15) members:

1. Three members shall be appointed by the Governor as follows:

- a. one member from the Oklahoma Office of Homeland Security,
- b. one member from the Oklahoma State Firefighters Association, and
- c. one member who is a rural fire coordinator with incident command experience;

2. Two members shall be appointed by the Speaker of the Oklahoma House of Representatives as follows:

- a. one member who is a firefighter with the rank of officer from a rural area, and
- b. one member of the Oklahoma House of Representatives;

3. Two members shall be appointed by the President Pro Tempore of the State Senate as follows:

- a. one member who is a firefighter with the rank of officer from an urban area, and
- b. one member of the State Senate;

4. The State Fire Marshal, or a designee;

5. The State Director of the Oklahoma Department of Career and Technology Education, or a designee;

6. The Director of Oklahoma State University Fire Service Training, or a designee;

7. The Chair of the Oklahoma Council on Firefighter Training, or a designee;

8. The Commissioner of the Oklahoma Department of Agriculture, Food, and Forestry, or a designee;

9. The Director of the Oklahoma Department of Emergency Management, or a designee;

10. The Commissioner of Public Safety, or a designee; and

11. The Director of the International Fire Service Training Association, or a designee.

C. The appointed member from the Oklahoma House of Representatives and the appointed member from the State Senate shall serve as cochairs of the Task Force. The cochairs shall convene the first meeting of the Task Force. The members of the Task Force shall elect any other officers during the first meeting and upon a vacancy in any office. The Task Force shall meet as often as necessary.

D. Appointments to the Task Force shall be made by August 1, 2007.

E. A majority of the members of the Task Force shall constitute a quorum. A majority of the members present at a meeting may act for the Task Force.

F. Nonlegislative members of the Task Force shall be reimbursed by their respective agencies for necessary travel expenses incurred in the performance of duties pursuant to the provisions of the State Travel Reimbursement Act. Legislative members of the Task Force shall be reimbursed for necessary travel expenses incurred in the performance of duties in accordance with the provisions of Section 456 of Title 74 of the Oklahoma Statutes.

G. Administrative support for the Task Force including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Task Force shall be provided by the Office of the State Fire Marshal to be supplemented, if necessary, by the state agencies involved in the Task Force.

H. The Task Force shall study and make recommendations of appropriate incident command systems including, but not limited to, unified command for managing multidiscipline and multijurisdictional fire incidents occurring in this state. Recommendations shall be consistent with the National Incident Management System (NIMS).

I. The Task Force shall publish a report of findings and recommendations by September 1, 2008, including recommendations for any resulting legislation.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 325.3 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Oklahoma State University Fire Service Training in conjunction with the Oklahoma Office of Homeland Security shall develop a program to educate firefighters on a unified command protocol for fire incidents occurring in this state. This program shall be offered statewide by Oklahoma State University Fire Service Training. Methods of training may include, but are not limited to:

1. Live classroom sessions with approved instructors;
2. Live exercises and drills with approved instructors;
3. Interactive television;
4. Independent study; and
5. Web-based methods.

B. The training program shall be in compliance with the National Incident Management System (NIMS) and shall include provisions consistent with the National Fire Protection Association training courses.

C. The program shall have curriculum and training materials that are consistently utilized by all training providers at all training locations.

D. Subject to funding, these programs shall be offered at facilities approved by Oklahoma State University Fire Service Training and shall include, but not be limited to,

other institutions of higher education, Oklahoma Department of Career and Technology Education facilities, local fire departments and other qualified entities.

E. All firefighter training records for this state shall be maintained by Oklahoma State University Fire Service Training and shall be made available to the Oklahoma Council on Fire Training as requested.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 325.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Office of the State Fire Marshal to be designated the "Firefighter Training Revolving Fund." The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received by the Office of the State Fire Marshal from the General Revenue Fund or any source pursuant to the provisions of any law or agreement. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of the State Fire Marshal for payment of the firefighter training programs through Oklahoma State University Fire Service Training. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 5. This act shall become effective July 1, 2007.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.", which amendment was declared adopted.

Senator Schulz moved that **HB 1520** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1520** was read for the third time at length.

On the question of passage of the bill and emergency, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--46.

Excused: Coffee and Johnson (M).--2.

The bill and emergency passed.

**HB 1520** was referred for engrossment.

**GENERAL ORDER**

**HB 1711** by Billy of the House and Wilson and Johnson (Constance) of the Senate was called up for consideration.

Senator Corn moved to amend **HB 1711**, Page 1, Line 13 ½, by inserting new Sections 1 through 5 to read as follows:

“SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-116, is amended to read as follows:

Section 2-116. Whenever the Department of Public Safety is authorized or required to give any notice under this act or other law regulating the operation of vehicles, unless a different method of giving such notice is otherwise expressly prescribed, such notice shall be given either by personal delivery thereof to the person to be so notified or by deposit in the United States mail of such notice in an envelope with first class postage prepaid, addressed to such person at the address as shown by the records of the Department. The giving of notice by mail is complete upon the expiration of ten (10) days after such deposit of said notice. Proof of the giving of notice in either such manner may be made by the certificate of any officer or employee of the Department or affidavit of any person over eighteen (18) years of age, naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof. Failure of the person to receive notice because of failure to notify the Department of a change in his or her current mailing address, as required by Section 6-116 of this title, shall not be sufficient grounds for the person to protest the notice.

SECTION 2. AMENDATORY 47 O.S. 2001, Section 6-106, as last amended by Section 26, Chapter 16, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-106), is amended to read as follows:

Section 6-106. A. 1. Every application for a driver license or identification card shall be made by the applicant upon a form furnished by the Department of Public Safety.

2. Every original, renewal, or replacement application for a driver license or identification card made by a male applicant who is at least sixteen (16) but less than twenty-six (26) years of age shall include a statement that by submitting the application, the applicant is consenting to registration with the Selective Service System. The pertinent information from the application shall be forwarded by the Department to the Data Management Center of the Selective Service System in order to register the applicant as required by law, with the Selective Service System. Any applicant refusing to sign the consent statement shall be denied a driver license or identification card.

3. Every applicant for a driver license or identification card shall provide to the Department at the time of application both primary and secondary proofs of identity. The Department shall promulgate rules prescribing forms of primary and secondary identification acceptable for an original Oklahoma driver license.

B. Every applicant for a driver license shall state upon the application the following information:

1. Full name;
2. Date of birth;
3. Sex;

~~4.~~ 4. Residence address, and county of residence, and mailing to be displayed on the license;

~~5.~~ 5. Mailing address, if different than the residence address to be maintained by the Department for the purpose of giving notice, if necessary, as required by Section 2-116 of this title;

~~6.~~ 6. Medical information, as determined by the Department, which shall assure the Department that the person is not prohibited from being licensed as provided by paragraph 7 of subsection A of Section 6-103 of this title;

~~7.~~ 7. Whether the applicant is deaf or hard-of-hearing;

~~8.~~ 8. A brief description of the applicant, as determined by the Department;

~~9.~~ 9. Whether the applicant has previously been licensed, and, if so, when and by what state or country, and whether any license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for the suspension, revocation or refusal;

~~10.~~ 10. Whether the applicant is an alien eligible to be considered for licensure and is not prohibited from licensure pursuant to paragraph 9 of subsection A of Section 6-103 of this title;

~~11.~~ 11. Effective September 1, 2005, whether 11. Whether the applicant has:

a. previously been licensed and, if so, when and by what state or country, and

b. held more than one license at the same time during the immediately preceding ten (10) years; and

~~12.~~ 12. Social security number.

No person shall request the Department to use the social security number of that person as the driver license number. Upon renewal or replacement of any driver license issued after the effective date of this act, the licensee shall advise the Department or the motor license agent if the present driver license number of the licensee is the social security number of the licensee. If the driver license number is the social security number, the Department or the motor license agent shall change the driver license number to a computer-generated alphanumeric identification.

C. In addition to the requirements of subsections A and B of this section, every applicant for a commercial driver license with a hazardous material endorsement shall submit to a security threat assessment performed by the Transportation Security Administration of the Department of Homeland Security as required by and pursuant to 49 C.F.R., Part 1572, which shall be used to determine whether the applicant is eligible for the endorsement pursuant to federal law and regulation.

The Department of Public Safety shall notify each commercial driving school of the passage of this section, and each commercial driving school shall notify prospective students of its school of the hazardous material endorsement requirement.

D. Whenever application is received from a person previously licensed in another jurisdiction, the Department shall request a copy of the driving record from the other jurisdiction and, effective September 1, 2005, from all other jurisdictions in which the person was licensed within the immediately previous ten (10) years. When received, the driving record shall become a part of the driving record of the person in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

E. Whenever the Department receives a request for a driving record from another licensing jurisdiction, the record shall be forwarded without charge.

SECTION 3. AMENDATORY 47 O.S. 2001, Section 6-111, as last amended by Section 16, Chapter 311, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-111), is amended to read as follows:

Section 6-111. A. 1. The Department of Public Safety shall, upon payment of the required fee, issue to every applicant qualifying ~~therefore~~ therefor a Class A, B, C or D driver license or identification card as applied for, which license or card shall bear thereon a distinguishing alphanumeric identification assigned to the licensee or cardholder, date of issuance and date of expiration of the license or card, the full name, signature or computerized signature, date of birth, ~~mailing~~ residence address, sex, a color photograph or computerized image of the licensee or cardholder and security features as determined by the Department. The photograph or image shall depict a full front unobstructed view of the entire face of the licensee or cardholder. When any person is issued both a driver license and an identification card, the Department shall ensure the information on both the license and the card are the same, unless otherwise provided by law.

2. A driver license or identification card issued by the Department on or after March 1, 2004, shall bear thereon the county of residence of the licensee or cardholder.

3. The Department may cancel the distinguishing number, when that distinguishing number is another person's Social Security number, assign a new distinguishing alphanumeric identification, and issue a new license or identification card without charge to the licensee or cardholder.

4. The Department may promulgate rules for inclusion of the height and a brief description of the licensee or cardholder on the face of the card or license identifying the licensee or cardholder as deaf or hard-of-hearing.

5. It is unlawful for any person to apply, adhere, or otherwise attach to a driver license or identification card any decal, sticker, label, or other attachment. Any law enforcement officer is authorized to remove and dispose of any unlawful decal, sticker, label, or other attachment from the driver license of a person. The law enforcement officer, the employing agency of the officer, the Department of Public Safety, and the State of Oklahoma shall be immune from any liability for any loss suffered by the licensee, cardholder, or the owner of the decal, sticker, label, or other attachment caused by the removal and destruction of the decal, sticker, label, or other attachment.

6. The Department of Public Safety shall develop by rule an alternative procedure whereby a person applying for a renewal or replacement Class D license or identification card, when the person satisfactorily demonstrates to the Department the inability to appear personally to be photographed because the person is not in the state at the time of renewal or at a time a replacement is required by the person, may be issued a license or card; provided, immediately upon returning to Oklahoma, the person shall obtain a replacement license or card as provided in Section 6-114 of this title.

B. The Department may issue a temporary permit to an applicant for a driver license permitting such applicant to operate a motor vehicle while the Department is completing its investigation and determination of all facts relative to such applicant's privilege to receive a license. Such permit must be in the immediate possession of the driver while operating a motor vehicle, and it shall be invalid when the applicant's driver license has been issued or for good cause has been refused.

C. 1. The Department may issue a restricted commercial driver license to seasonal drivers eighteen (18) years of age or older for any of the following specific farm-related service industries:

- a. farm retail outlets and suppliers,
- b. agri-chemical businesses,
- c. custom harvesters, and
- d. livestock feeders.

The applicant shall hold a valid Oklahoma driver license and shall meet all the requirements for a commercial driver license. The restricted commercial driver license shall not exceed a total of one hundred eighty (180) days within any twelve-month period.

2. The restricted commercial driver license shall not be valid for operators of commercial motor vehicles beyond one hundred fifty (150) miles from the place of business or the farm currently being served. Such license shall be limited to Class B vehicles. Holders of such licenses who transport hazardous materials which are required to be placarded shall be limited to the following:

- a. diesel fuel in quantities of one thousand (1,000) gallons or less,
- b. liquid fertilizers in vehicles with total capacities of three thousand (3,000) gallons or less, and
- c. solid fertilizers that are not mixed with any organic substance.

No other placarded hazardous materials shall be transported by holders of such licenses.

SECTION 4. AMENDATORY 47 O.S. 2001, Section 6-116, as amended by Section 4, Chapter 234, O.S.L. 2003 (47 O.S. Supp. 2006, Section 6-116), is amended to read as follows:

Section 6-116. A. Whenever any person, after applying for or receiving a driver license or identification card, shall:

1. Change the mailing address named in such application ~~or~~;
2. Change the residence address displayed on the license or card issued to the person;
3. Move from the person's previous county ~~or residence~~; or
- ~~3.~~ 4. Change the name of a licensee by marriage or otherwise, such person shall notify the Department of Public Safety as provided in subsection B of this section.

B. Within ten (10) days such person shall notify the Department of Public Safety in writing of the number of any driver license and identification card then held by the person and, as applicable:

1. Both the old and new mailing addresses;
2. Both the old and new residence addresses;
3. Both the old and new counties of residence; or
- ~~3.~~ 4. Both the former and new names, ~~and of the number of any driver license and identification card then held by the person.~~

C. The Department of Public Safety shall not:

1. Change a county of residence unless the person specifically notifies the Department of such change; and
2. Presume that a new mailing address which is a different county than the old mailing address means that the person has changed his or her county of residence, and shall not change the county of residence unless specifically notified of such change.

SECTION 5. AMENDATORY 47 O.S. 2001, Section 6-117, as last amended by Section 6, Chapter 204, O.S.L. 2006 (47 O.S. Supp. 2006, Section 6-117), is amended to read as follows:

Section 6-117. A. The Department of Public Safety shall file every application for a driver license or identification card received by the Department and shall maintain suitable indexes containing:

1. All applications denied and on each thereof note the reasons for the denial;
2. All applications granted;
3. The name of every person whose driving privilege has been suspended, revoked, cancelled, or disqualified by the Department and after each such name note the reasons for the action. Any notation of suspension of the driving privilege of a person for reason of nonpayment of a fine shall be removed from the driving record after the person has paid the fine and the driving privilege of the person is reinstated as provided for by law; ~~and~~
4. The county of residence, the name, date of birth, and mailing address of each person residing in that county who is eighteen (18) years of age or older, and who is the holder of a current driver license or a current identification card issued by the Department of Public Safety for the purpose of ascertaining names of all persons qualified for jury service as required by Section 18 of Title 38 of the Oklahoma Statutes; and
5. The name, driver license number, and mailing address of every person for the purpose of giving notice, if necessary, as required by Section 2-116 of this title.

B. The Department shall file all collision reports and abstracts of court records of convictions received by it pursuant to the laws of this state and maintain convenient records of the records and reports or make suitable notations in order that an individual record of a person showing the convictions of the person and the traffic collisions in which the person has been involved shall be readily ascertainable and available for the consideration of the Department of Public Safety upon any application for a driver license or renewal of a driver license and at other suitable times. Any abstract, index or other entry relating to a driving record according to the licensing authority in another state or a province of Canada may be posted upon the driving record of any resident of this state when notice thereof is received by documentation or by electronic transmission. The individual record of a person shall not include any collision reports and abstracts of court records involving a collision in which the person was not issued a citation or if a citation is issued and the person was not convicted.

C. 1. The Commissioner and the officers of the Department as the Commissioner may designate are hereby authorized to prepare under the seal of the Department and deliver upon request a copy of any collision report on file with the Department, charging a fee of Seven Dollars (\$7.00). However, the Department shall not be required to furnish personal information from the collision report which is contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725.

2. Notwithstanding the provisions of paragraph 1 of this subsection, the Department is authorized to enter into contracts to supply information regarding vehicles reported to be involved in collisions. For each vehicle, the information shall be limited to that which only describes the vehicle and the collision. The Department shall not be required to provide any information regarding the owner or operator of the vehicle or any information which would conflict with Section 2-110 or Section 1109 of this title.



D. The Department of Public Safety or any motor license agent upon request shall prepare and furnish to any authorized person a Motor Vehicle Report of any person subject to the provisions of the motor vehicle laws of this state. However, the Department shall not be required to furnish personal information from a driving record contrary to the provisions of the Driver's Privacy Protection Act, 18 United States Code, Sections 2721 through 2725. The Motor Vehicle Report shall be a summary of the driving record of the person and shall include the enumeration of any motor vehicle collisions, reference to convictions for violations of motor vehicle laws, and any action taken against the privilege of the person to operate a motor vehicle, as shown by the files of the Department for the three (3) years preceding the date of the request. The Department shall not be required to release to any person, in whole or in part and in any format, a driving index, as described in subsection A of this section, except as otherwise provided for by law. For each Motor Vehicle Report furnished by the Department of Public Safety, the Department shall collect the sum of Ten Dollars (\$10.00). For each Motor Vehicle Report furnished by a motor license agent, the agent shall collect the sum of Ten Dollars (\$10.00), Eight Dollars (\$8.00) of which shall be paid to the Oklahoma Tax Commission for deposit in the General Revenue Fund in the State Treasury and Two Dollars (\$2.00) of which shall be retained by the motor license agent. Persons sixty-five (65) years of age or older shall not be required to pay a fee for their own Motor Vehicle Report furnished by the Department or a motor license agent. For purposes of this subsection, a Motor Vehicle Report shall include a report which indicates that no driving record is on file with the Department of Public Safety for the information received by the Department in the request for the Motor Vehicle Report.

E. The Department of Public Safety may develop procedures whereby an employer of a person:

1. Who has a Class A, B or C driver license; and
2. Who operates a commercial motor vehicle in the course of his or her employment with the employer,

may automatically be notified, pursuant to a fee schedule established by the Department, should the driving record of a person reflect a traffic conviction in any court or an administrative action by the Department which alters the status of the commercial driving privileges of the person.

F. All monies received by the Commissioner of Public Safety and the officers and employees of the Department shall be remitted to the State Treasurer to be credited to the General Revenue Fund in the State Treasury except as otherwise provided for by law." and by renumbering subsequent sections and amending the title to conform, which amendment was declared adopted.

Senator Wilson moved that **HB 1711** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1711** was read for the third time at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Corn, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Williamson, Wilson and Wyrick.--44.

Nay: Wilcoxson.--1.

Excused: Coffee, Johnson (M) and Rabon.--3.

The bill passed.

**HB 1711** was referred for engrossment.

### **GENERAL ORDER**

**HB 1285** by Glenn et al of the House and Wyrick of the Senate was called up for consideration.

Senator Branan asked to coauthor **HB 1285**, which was the order.

Senator Wyrick moved that **HB 1285** be advanced, which motion was declared adopted.

### **THIRD READING**

**HB 1285** was read for the third time at length.

On the question of passage of the bill, the vote resulted as follows:

Aye: Adelson, Aldridge, Anderson, Ballenger, Barrington, Bass, Bingman, Branan, Brogdon, Brown, Burrage, Coates, Crain, Crutchfield, Easley, Eason McIntyre, Ford, Garrison, Gumm, Ivester, Johnson (C), Jolley, Justice, Lamb, Laster, Laughlin, Leftwich, Lerblance, Mazzei, Morgan, Myers, Nichols, Paddack, Rabon, Reynolds, Rice, Riley, Schulz, Sparks, Sweeden, Sykes, Wilcoxson, Williamson, Wilson and Wyrick.--45.

Excused: Coffee, Corn and Johnson (M).--3.

The bill passed.

**HB 1285** was properly signed and ordered returned to the Honorable House.

**MESSAGES FROM THE HOUSE**

Advising passage of and returning the following Engrossed bills:

**SB 158** - coauthored by Roan, Cannaday, Rousselot of the House

**SB 558**

**SB 709** - coauthored by Cannaday, Enns, Faught, McMullen and Renegar of the House

**SB 944** - coauthored by Luttrell and Shumate of the House

The above-numbered measures were referred for enrollment.

**MESSAGE FROM THE HOUSE**

Advising fourth reading of and returning Enrolled **SBs 140** and **714**.

The above-numbered enrolled measures were referred to the Governor.

**EXECUTIVE NOMINATIONS**

The following executive nominations were read and referred to committee as indicated:

Ennis, Larry, Ada, as a member of the Oklahoma Mining Commission - Energy and Environment

Goodwin, Jim, Tulsa, as a member of the Board of Trustees for Oklahoma State University/Tulsa - Education

Grubb, Sam, Miami, as a member of the Oklahoma Used Motor Vehicle and Parts Commission - Business and Labor

Parker, W.B., Spencer, as a member of the Oklahoma Employment Security Commission - Business and Labor

Staggs, Barbara, Muskogee, as a member of the State Board of Education - Education

Washington, Loise, McAlester, as a member of the Board of Regents of Eastern Oklahoma State College - Education

Willis, Bill, Granite, as a member of the Oklahoma Mining Commission - Energy and Environment

Senator Laster moved that when the clerk's desk is clear, the Senate stand adjourned to convene Monday, April 16, 2007, at 1:30 p.m., which motion prevailed.

**SECOND READING**

The following was read for the second time: **SCR 27.**

Pursuant to the Laster motion, the Senate adjourned at 11:15 a.m. to meet Monday, April 16, 2007, at 1:30 p.m.